

UNITED STATES DISTRICT COURT

for the

Western District of VirginiaCLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
for Danville
FILED
MAR 12 2008JOHN F. CORCORAN, CLERK
BY: Fay Coleman
DEPUTY CLERK

United States of America)

v.)

CURTIS O'BRIAN DILLARD)

Date of Previous Judgment: 5/4/05)

(Use Date of Last Amended Judgment if Applicable))

Case No: 4:02cr70014-001USM No: 08733-084

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☐ the defendant ☐ the Director of the Bureau of Prisons ☒ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 60 months is reduced to 59 months*.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 31Amended Offense Level: 29Criminal History Category: IICriminal History Category: IIPrevious Guideline Range: 121 to 151 monthsAmended Guideline Range: 120 to 121 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
☒ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
☐ Other (explain):

III. ADDITIONAL COMMENTS

The Government has objected to a reduction based on aspects of Defendant's pre-sentencing conduct. Finding that the pre-sentencing conduct is adequately accounted for under the amended guideline range, and upon consideration of the factors set forth in 18 U.S.C. § 3553(a) and U.S.S.G. § 1B1.10, the Government's objections are overruled and Defendant's sentence is reduced as provided above.

* Defendant's term of imprisonment is reduced to 59 months, but not less than time served.

Except as provided above, all provisions of the judgment dated 5/4/05 shall remain in effect.

IT IS SO ORDERED.

Order Date: March 12, 2008Norman K. Moon

Judge's signature

Effective Date: March 22, 2008
 (if different from order date)

Norman K. Moon, United States District Judge
 Printed name and title